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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/909,023	08/11/1997	TOSHIAKI KOJIMA	SONY-P7698	1127
29175	7590	03/09/2006	EXAMINER	
BELL, BOYD & LLOYD, LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			ONUAKU, CHRISTOPHER O	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

08/909,023

Applicant(s)

KOJIMA, TOSHIAKI

Examiner

Christopher Onuaku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-32 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 August 1997 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/2/05 have been fully considered but they are not persuasive.

Applicant argues that Gushima does not provide for re-recording data in a recording medium as required in claims 1,9,16 and 23. Examiner disagrees.

In response, claim 1, for example, cites "... control means for controlling the recording means so as to endlessly-record and re-record a non-designated portion of said first data in said recording medium which excludes said designated second continuous data set, such that the recording means endlessly records data in the recording medium in said non-designated portion while preserving said designated second continuous data set."

And Gushima discloses wherein a buffer memory 4 (see Fig.8&10) is divided into a number m of areas, and each area (block) is assigned a block number (an ID number). Using the block ID number and the block coded data 15 and the block synchronization number 59, the memory controller generates a write address into the buffer memory 4 (see Fig.10&8). During normal recording, the coded data 15 output from the coder 52 shown in Fig.9A together with the block identification data 58 is stored in a predetermined area in the buffer memory 4. When an overflow is detected because of the continuation of the recording-disable state, the memory controller 53 generates a

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write address so that the data after the detection of the overflow is overwritten in the predetermined area in the buffer memory 4. For example, in the case where the blocks consisting of odd-numbered pixel data 56 are stored in the odd-numbered areas and the blocks consisting of the even-numbered pixel data 57 are stored in the even-numbered areas during the normal recording operation, the memory controller 53 generates a write address so that the data after the detection of overflow is overwritten only in the even-numbered areas. The data in the area where the overwrite operation is performed is read out only after all of the data in the area where the overwrite operation is not performed, i.e., the data which has originally been stored in the area, is read out. Therefore, the memory controller 53 is required to store the address of the area where the data after the detection of the overflow is overwritten.

In effect, when an overflow occurs during normal recording, the areas consisting of the even-numbered pixel data areas are selectively overwritten (re-recorded), while the data recorded in the odd-numbered pixel data areas of the buffer memory 4 are preserved, thereby maintaining continuous (endless) recording in the buffer memory 4 .

It is, therefore, clear that Gushima discloses the claimed endless recording in a recording medium, wherein some predetermined areas of the recording medium are continuously re-recorded (overwritten) while other different predetermined areas of the recording medium are preserved.

Examiner response to applicant's argument with respect to claim 1 applies to applicant's similar arguments with respect to claims 9,16&23

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7,9-14,16-21&23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gushima et al (US 5,737,481) in view of Baumeister (US 4,591,931) and further in view of Holroyd et al (US 5,781,435).

Regarding claim 1, Gushima et al disclose an information recording method, an information recording apparatus, and an information recording medium which are suitable for recording information to be continuously input such image or sound, comprising:

a) recording means for recording a first data set in a recording medium ( see Fig.1& 8, and buffer memory 4 ; col.16, lines 21-43);

b) input means for designating a start point and an end point of a desired second continuous data set, where the second continuous data set is a subset of the first data set to be recorded in or already recorded in the recording medium by the recording means ( see Fig.8&10, and controller 53; col.31, lines 29-46), here the recorded data in buffer memory 4 constitute the first data set; this first data set is split into odd numbered blocks and even numbered blocks, and the odd-numbered blocks make up the claimed second data set; the controller 53 generates a write address into the memory 4, thereby writing the coded data 15 and the block identification data 58 into the buffer memory 4 by disposing as shown in Fig.10; when a normal recording is performed, the coded data

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15 output from the coder 52 together with the block identification data is stored in a predetermined area in the buffer memory 4;

c) control means for controlling the recording means so as to endlessly-record and re-record a non-designated portion of the first data in the recording medium which excludes the designated second continuous data set, such that the recording means endlessly records data in the recording medium the non-designated portion while preserving the designated second continuous data set. (see Fig.8&10, controller 53 and col.31, lines 47-65), here only data recorded on even-numbered areas are re-recorded/overwritten, during a selective re-record/overwrite process, wherein data is endlessly recorded in the buffer. Examiner reads endless recording as continuous uninterrupted recording, and re-record as overwrite .

Gushima et al fail to explicitly disclose input means for a user to designate a file name corresponding to a start point and an end point of a desired data set.

Baumeister teaches apparatus for playing back from recording media recorded information which includes both preselected segments and unpreselected segments, comprising wherein a sequence of scenes is designated as a file by an operator and a file name is designated to the file, and wherein the beginning and end of the file is identified (see col.2, lines 5-25 and col.5, line 62 to col.6, line 24).

It, therefore, would have been obvious to modify Gushima et al by realizing Gushima et al with the means for a user to designate a file name corresponding to a start point and end point of the file, as taught by Baumeister, in order, for example, to easily identify the file during playback.

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Gushima modified with Baumeister, following the discussions above, and using the Baumeister file name designating principle, for example, it would have been obvious for an operator in Gushima to designate a file name corresponding to a start point and an end point of a desired data set, including a second continuous data set, wherein the second continuous data set is a subset of the first data set to be recorded in or already recorded in the recording medium by the recording means.

Gushima et al and Baumeister fail to explicitly disclose wherein the input means allows input of a time code information signal.

Holroyd et al teach editing systems, including an edit-to-it feature that minimizes editing time by performing editing and digitization of information simultaneously, wherein when an editor selects the edit-to-it file as the source, the control console 18 becomes the source transport controller, rolling forward or backward as desired along the source material, as well as the edit controller. The video from the source is displayed on the monitor 30 and the audio is played through the speakers 32. The editor rolls the source until a suitable in-point is selected, and the time code for the source for that in-point is stored in the log file, which time code includes a handle that indicates that the beginning of the shot identified by the in-point is actually some predetermined amount of time earlier, such as two seconds. This shot is laid into the edit time track as represented by the stripview, and the out-point is either predetermined by the editor prior to digitization or is indicated on-the-fly by the editor stopping the rolling of the source (see col.3, line 15 to col.4, line 55; especially col.4, lines 1-55).

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It is pertinent to point out that Holroyd et al teach that a "shot" is created by a single continuous recording of material, and is stored as a log file and a material file, as shown in Fig.2. The log file for a shot contains logging information such as the shot name, reel ID and timecode, while the material file contains material, such as video or audio for the shot. An "edit-to-it" file is a record which keeps track of the sections of each source that have been digitized (see col.2, line 65 to col.3, line 14).

Also it must be pointed out that although Holroyd fails to explicitly disclose assigning a timecode to the out-point of the shot as shown for the in-point, it would have been obvious to also assign a timecode for the out-point in order to facilitate the identification of the out-point for the shot (a section of the source).

It would have been obvious to further modify Gushima by realizing Gushima with the means to allow an editor, for example, to assign timecodes to the beginning and end of a shot (section of a source), as taught by Holroyd et al, in order, for example, to facilitate the identification of the beginning and end of a shot during an editing operation, since timecode is well known as a means to identify the beginning and/or end of a section/segment/shot of video data.

Regarding claim 2, Gushima discloses wherein the recording medium is a recording medium capable of non-linear access.(see buffer memory 4 which is a random access memory; col.16, lines 21-29).



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Regarding claim 3, Gushima discloses reproducing means for reproducing the "first" data recorded in the recording medium, wherein the start point and end point of the desired "second" data are input by input means from the "first" data reproduced by the reproducing means ( see col.31, line 66 to col.32, line 6).

Regarding claim 4, Gushima discloses wherein the reproducing means reproduces the "first" data recorded in the recording medium after a passage of a predetermined period of time in order of recording the "first" data in the recording medium ( see col.16, line 39-42).

Regarding claim 5, Gushima discloses wherein the control means, when recording means is controlled so as to "endlessly-record" the data in the recording medium, "endless-records the "first" data in a "first" region of the recording medium, and when the start point and end point of the "second" data are input through the input means, controls the recording means so as to "endlessly-record" the "first" data in the "first region while avoiding a predetermined "second" region of the recording medium(see claim 1 discussions and col.31, lines 29-65).

Regarding claim 6, Gushima, discloses wherein the control means controls the recording means so as to record the "first" data in a "first" region of the recording medium, and controls the recording means so as to generate assisting data for identifying the "first" data and record the assisting data in a "second" region different

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from the "first" region of the recording medium (see Fig.9B and block identification data 58 which is stored in a portion of the buffer memory 4 than the data itself; col.31, lines 14-46).

Regarding claim 7/1, the claimed limitations of claim 7/1 are accommodated in the discuss of claim 6 above, including col.31, lines 29-65; col.32, lines 40-62.

Regarding claim 7/3, the claimed limitations of claim 7/3 are accommodated in the discuss of claims 6 above, including col.31, lines 29-65; col.32, lines 40-62.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claims 1,2&3 above.

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claims 1&9 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the discussions of claims 4&9 above.

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Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claims 5&9 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claims 6&9 above.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claims 7&9 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claims 1&9 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 3 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 4 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 5 above.

Regarding claim 20, the claimed limitations of claim 20 are accommodated in the discussions of claim 6 above.

Regarding claim 21/16, the claimed limitations of claim 21/16 are accommodated in the discussions of claim 7 above.

Regarding claim 21/17, the claimed limitations of claim 21/17 are accommodated in the discussions of claim 7 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 9 above.

Regarding claim 24, the claimed limitations of claim 24 are accommodated in the discussions of claim 10 above.

Regarding claim 25, the claimed limitations of claim 25 are accommodated in the discussions of claims 10&11 above.

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 12 above.

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 13 above.

Regarding claim 28/23, the claimed limitations of claim 28/23 are accommodated in the discussions of claim 14 above.

Regarding claim 28/24, the claimed limitations of claim 28/24 are accommodated in the discussions of claim 14 above.

4. Claims 8,15,22&29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gushima in view of Baumeister and Holroyd and further in view of Shirakawa et al ( US 5,949,953).

Regarding claim 8, as discussed in claim 1 above, Holroyd teaches wherein the assisting data comprises time code which is used to identify the beginning and end of a section of video data.

As disclosed in claim 1 above, Baumeister teaches the principle of assigning a name to a file to facilitate the reproducing process, for example.

Gushima, Baumeister and Holroyd fail to disclose wherein the assisting data comprises a head address. Shirakawa, et al teach a disk media for recording a digital image and a method of and device for recording and playing back a digital image signal on or from such disk wherein recorded GOP, for example, are assigned header addresses to facilitate the location of the GOP in the recording device(-see col.32, lines 26-40, and col.34, line 66 to col.35, line 17).

It would have been obvious to one of ordinary skill in the art to further modify Gushima by assigning header addresses to the recording apparatus of Gushima, as taught by Shirakawa, to facilitate the location of recorded data in the recording device.

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Regarding claim 15/13, the claimed limitations of claim 15/13 are accommodated in the discussions of claim 8 above.

Regarding claim 15/14, the claimed limitations of claim 15/14 are accommodated in the discussions of claim 8 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 8 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 15 above.

Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 8 above.

Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claim 30 above.

Regarding claim 32, the claimed limitations of claim 32 are accommodated in the discussions of claim 15 above.

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**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Conclusion***

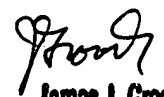
**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is 571-272-7379. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
COO  
2/27/06

  
James J. Groody  
Supervisory Patent Examiner  
Art Unit 262 2616